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LP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Vadim R. Viviani, et al.	)	Group Art Unit 1652
			)	
Appl. No.	:	09/993,874	)	RECEIVED
			)	
Filed	:	November 14, 2001	)	FEB 20 2004
			)	
For	:	NUCLEIC ACID MOLECULES	)	OFFICE OF PETITIONS
		ENCODING RED AND	)	
		GREEN EMITTING	)	
		LUCIFERASES	)	
			)	
Examiner	:	Slobodyansky, Elizabeth	)	

DECLARATION UNDER C.F.R. § 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We, Vadim R. Viviani and Yoshihiro Ohmiya, the inventors of the above-identified application, do hereby declare as follows:

1 "Cloning, Sequence Analysis, and Expression of Active Phrixothrix Railroad-Worms Luciferase: Relationship between Bioluminescence Spectra and Primary Structures", Viviani, et al., *Biochemistry* 1999, 38, 8271-8279 ("Article") indicates three authors, Vadim R. Viviani, Etelvino J. H. Bechara, and Yoshihiro Ohmiya.

2 However, with respect to the entire work disclosed in the Article, Etelvino J. H. Bechara was merely working under the direction of Vadim R. Viviani and/or Yoshihiro Ohmiya, who are the sole inventors of the present application.

3 Thus, the Article is describing the inventors' own work.

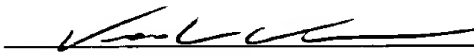
4 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine

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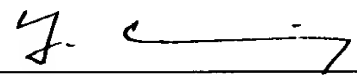
or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: December 30, 2003

By:   
Vadim R. Viviani

Dated: December 24, 2003

By:   
Yoshihiro Ohmiya

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